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U.S. DISTRICT COURT

JOHN W. HUBER, United States Attorney (No. 7226)
ANGELA M. REDDISH-DAY, Assistant United States Attorney (#15910)
Attorneys for the United States of America
20 North Main Street, Suite 208
St. George, Utah 84770
Telephone: (435) 634-4265

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

STEVEN NICHOLAS FESTA,

Defendant.

FELONY COMPLAINT

VIOLATION:

4:20-mj-00059-PK

COUNT I: 18 U.S.C. § 922(g)(1),
Felon in Possession of a Firearm and
Ammunition.

Magistrate Judge Paul Kohler

Before United States Magistrate Judge Paul Kohler in the U.S. District Court for
the District of Utah, appeared the undersigned, who, on oath deposes and says:

COUNT I
(Felon in Possession of a Firearm and Ammunition)

On or about March 30, 2020, through on or about April 11, 2020, in the Central
Division of the District of Utah,

STEVEN NICHOLAS FESTA,

defendant herein, knowing he had previously been convicted of a crime punishable by

imprisonment for a term exceeding one year, knowingly possessed a firearm and ammunition, to wit: a Canik, model TP9SFX, 9 mm pistol, and associated ammunition, and the firearm and ammunition were in and affecting commerce; all in violation of Title 18 U.S.C. § 922(g)(1).

**AFFIDAVIT IN SUPPORT OF FELONY COMPLAINT AND
APPLICATION FOR AN ARREST WARRANT**

I, R. Flynn Todd, a Special Agent (SA) with the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), being duly sworn, depose and state as follows:

1. I am a Special Agent with the U.S. Immigration and Customs Enforcement (ICE) Department of Homeland Security Investigations (HSI), assigned to the office of the Resident Agent in Charge, St. George, Utah, and have been employed since March 2001. As part of my duties as a Special Agent for HSI, I investigate a variety of criminal violations of federal law and regulations to include but not limited to child exploitation, money laundering, human trafficking, fraud, and weapons violations.
2. This complaint does not provide all the information known to your complainant, but your complainant submits that it does provide sufficient information to support probable cause to believe that the defendant, Steven Nicholas FESTA committed the offense of Felon in Possession of a Firearm and Ammunition.

FACTS SUPPORTING PROBABLE CAUSE

3. On April 7, 2020, the Enoch City Police executed a search warrant at a residence in the city of Enoch to search for evidence relating to a fraud investigation.

4. While interviewing the subjects at the residence, police discovered that Steven FESTA came to the subjects' house a few days prior brandishing a handgun at everyone at the residence. The subjects at the residence said FESTA was demanding to talk to one of the subjects who resided at the residence. The subject he was looking for was not at the residence at that time. FESTA waited for the subject to return for about an hour while he sat on their couch with a handgun in his waistband. After FESTA became tired of waiting, he left the residence.

5. A criminal history check for Steven FESTA, revealed that FESTA has previously been convicted for felony violations involving burglary, fraud, possession of controlled substance, and for being a felon in possession of a firearm.

6. The Enoch City Police attempted to locate FESTA and notified adjacent city and county police departments that FESTA was wanted for questioning about fraud and for possibly being a felon in possession of a firearm.

7. On April 11, 2020, a Cedar City Police officer saw Steven FESTA's vehicle parked in front of a residence in Cedar City, Utah. A vehicle registration check revealed that the vehicle was registered to Steven FESTA. When police saw the vehicle, they observed Steven FESTA exit the residence and enter his vehicle. Police contacted

FESTA when he entered the vehicle where FESTA verbally confirmed he was Steven FESTA.

8. During the investigative stop, FESTA told police he is currently on felony probation with the Utah Adult Probation and Parole (AP&P). The Cedar City Police notified AP&P and advised they had contacted FESTA at his residence for questioning about a fraud case and for being a felon in possession of a firearm. FESTA's AP&P Officer told police he was unavailable and advised the police they had permission from AP&P to search FESTA's vehicle for a firearm.

9. FESTA denied owning or possessing any weapons when police asked if he had any weapons on his person or in his vehicle. After police asked FESTA if they could search his vehicle for weapons, FESTA gave consent to the police to search his vehicle. During the consent search, police located a black 9mm Canik handgun hidden under the center console, which was in reach of the driver's side of the vehicle. Further inspection of the handgun revealed it was loaded with eighteen (18) rounds of 9mm ammunition with one round in the chamber. Upon locating the handgun, police placed FESTA into custody.

10. After FESTA was placed in custody, officers went to the residence FESTA had exited and spoke with Jennifer Leavitt, who told police she and FESTA were living together at the residence. Leavitt gave consent to police to search the bedroom of the residence where Steven FESTA and Jennifer Leavitt sleep.

11. During the consent search of the bedroom, police discovered a Canik firearm box on a closet shelf that matched the weapon found in the vehicle. Police found a backpack that was identified as Steven FESTA's backpack by Jennifer Leavitt. A brown leather holster and gun cleaning patches were found inside the backpack. Police discovered a shoulder holster on the bedroom floor that was identified as FESTA's holster by Leavitt.

12. On April 16, 2020, the C-A-L Ranch Store in Cedar City, Utah, reported to police that Steven FESTA and Jennifer Leavitt purchased several items at their store on March 30, 2020, amounting to \$1,429.23, and had paid for the items with a fraudulent check. C-A-L Ranch reported that a 9mm Canik TP9SFX handgun was one of the purchased items.

13. C-A-L Ranch reported that the check written by Steven FESTA for the March 30, 2020, purchase was returned to C-A-L Ranch by Wells Fargo Bank on April 3, 2020, and advised the check was returned because FESTA's bank account had been closed for several months. The C-A-L Ranch store manager attempted to contact FESTA to rectify the bad check. However, the manager could not correct the situation with FESTA.

14. A video from the C-A-L-Ranch Store depicts Steven FESTA and Jennifer Leavitt in the store on March 30, 2020. The video depicts FESTA looking at the handguns at the gun counter and pointing out the handguns he wants to look at to the store employee. The video depicts Jennifer Leavitt filling out a Firearms Transaction Record to purchase the firearm and depicts Steven FESTA writing a check for the purchased items, which included the Canik 9mm caliber handgun, model TP9SFX, serial number 19BC09521 for \$679.99. The weapon found in FESTA's vehicle on April 11, 2020, matched the

description and serial number of the weapon purchased on March 30, 2020, at the C-A-L Ranch Store.

15. Your complainant interviewed the store clerk and the store manager, who are employed at the C-A-L Store. The two employees confirmed that Steven FESTA and Jennifer Leavitt came into the C-A-L Ranch store on March 30, 2020, to purchase a handgun. The store clerk said Jennifer Leavitt completed the paperwork for the background check. The manager said FESTA paid for the handgun and several other items with a fraudulent check.

16. An Interstate Nexus Determination report from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF&E) for the Canik 9mm handgun, indicates the Canik Model TP9SFX, 9mm handgun with serial number 19B09521 was manufactured outside of the state of Utah and that it traveled in interstate and/or foreign commerce to arrive in the state of Utah.

17. Your complainant contacted Utah AP&P, who advised FESTA was on supervised release from California on a Probation and Parole Compact Agreement with California. A Compact agreement is a system between two (2) states that agree to allow criminals to serve their probation and parole where they live instead of where they are convicted.

18. A criminal history check revealed that Steven FESTA has sustained multiple felony convictions in the State of California, including but not limited to:


On September 28, 2017, Steven FESTA was convicted in Riverside, California, for being a Felon in Possession of a Firearm, a felony, in violation of California law, for which he was sentenced to serve sixteen (16) months in prison.

On March 9, 2017, Steven FESTA was convicted in Banning, California, for Theft of a Firearm, Felon in Possession of a Firearm, and for Burglary. All three convictions are felonies in violation of California law. FESTA was sentenced to serve twenty-four months (24) months in prison for the Theft of a Firearm violation, eight (8) months in prison for the Burglary violation, and to sixteen (16) months in prison for the Felon in Possession of a Firearm violation.

19. Your complainant is familiar with the information contained in this complaint based on your complainant's personal observations, experience, investigation, and information obtained from other law enforcement officers, who have engaged in this investigation. Your complainant's knowledge of the facts alleged in this complaint arises from training, experience, personal observations, participation in the federal investigation described herein, conversations with other law enforcement agents involved in this investigation, and your complainant's review of records obtained during this investigation. Because this complaint is submitted for the limited purpose of securing an arrest warrant, it does not include every fact known concerning the investigation. Your complainant has set forth only those facts that your complainant believes are necessary to establish probable cause to believe Steven Nicholas FESTA committed the violation of Title 18 U.S.C. 922(g)(1), Felon in Possession of a Firearm and Ammunition.


Based on the foregoing information, I respectfully request that a warrant of arrest be issued for STEVEN NICHOLAS FESTA for a violation of 18 U.S.C. § 922(g)(1).

DATED this 23rd day of June, 2020.



R. Flynn Todd, Special Agent
Homeland Security Investigations

SUBSCRIBED AND SWORN TO before me this 23rd day of June, 2020.



PAUL KOHLER
United States Magistrate Judge
District of Utah

JOHN W. HUBER
United States Attorney

/s/ Angela M. Reddish-Day

ANGELA M. REDDISH-DAY
Assistant United States Attorney